

### **REMARKS**

The Office Action has been received and carefully considered. Claims 1-4, 7-18, and 20 are pending in the application. Claims 1-4, 7-18, and 20 are rejected. Claims 5, 6, and 19 have previously been cancelled. Claims 1, 17, and 20 are amended. No new matter has been added. Reconsideration of the outstanding rejections in the present application are requested based on the following remarks.<sup>1</sup>

#### **Interview Summary**

On June 2, 2008, Examiner McCormick, Examiner Weiss and the undersigned representative, Tom Corrado, conducted an in-person examiner interview. The undersigned representative thanks the Examiners for the courtesies extended during the interview. There were no exhibits shown nor was a demonstration conducted. The Buckenmayer (U.S. Patent Application 2002/0165728) reference was discussed with respect to the independent claims. No agreement was reached.

#### **Claims 1-4, 7, 14, 17-18, & 20 Rejected under 35 U.S.C. 102(b)**

Claims 1-5, 7, 14, 17-18, and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Application 2002/0165728 to Buckenmayer ("Buckenmayer"). This rejection is traversed. Under 35 U.S.C. § 103, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). One method to establish a *prima facie* case of obviousness is to show that the following three criteria are met: (1) there must be some suggestion or motivation to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art references must teach or suggest all the claim limitations. See

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<sup>1</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

MPEP § § 2143 and 2143.03; citing *In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991); *In re Royka*, 490 F.2d 1981 (CCPA 1974).

Additionally, under the Examination Guidelines For Determining Obviousness Under 35 U.S.C. § 103. In view of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57,526 (October 10, 2007), the Examiner may set forth factual findings concerning the state of the art and the teachings of the applied reference(s) to establish obviousness. *See id.* at 57,527. This includes determining “the scope and content of the prior art . . .; differences between the prior art and the claims at issue . . .; and the level of ordinary skill in the pertinent art . . .” *Id.*; *see also* MPEP § 2141; quoting *Graham v. John Deere*, 383 U.S. 1 (1966). The Examiner must then “provide an explanation to support an obviousness rejection under 35 U.S.C. 103 . . . 35 U.S.C. 132 requires that the applicant be notified of the reasons for the rejection of the claim so that he or she can decide how best to proceed.” *Id.*

Buckenmayer does not teach or suggest “A method for managing sales leads in a sales lead system, the method comprising: an agent working a sales lead; obtaining disposition information regarding the sales lead, the disposition information representing a disposition of the sales leads; transmitting the disposition information to a lead processing portion, wherein the disposition information relates to interaction between the sales agent and a person from who the sales lead was received; comparing the disposition information with associated disposition rules in the lead processing portion; and controlling the further processing of the sales lead based on a disposition rule selected as a result of the comparison.” as recited in amended claim 1 of the present application. (Emphasis added).

The Office Action asserts that paragraphs [0194], [0068] and [0197] of Buckenmayer teaches or suggests “disposition information relates to interaction between the sales agent and a person from who the sales lead was received.” *Office Action*, p. 3. Specifically, the Office Action asserts that the “lead source” includes “RCA1” and that “the campaign description inherently includes interactions between the sales agent and a lead source (‘a person from who the sales lead was received’ because it includes dates and milestones to achieve or that have been achieved).” *Id.* The Office Action asserts that, broadly interpreting “a person from who the sales lead was received” “describes the lead assignor” and that paragraph [0068] discloses “the sales representative can refuse to take the lead.” *Id.* The Office Action further asserts that when

a person refuses to take a lead that the lead is marked with the status of “O” which allows the lead to be treated as a new lead. *Id.*

“An interaction” requires action between the sales agent and the person who received the sales lead. For example, an interaction may be a telephone call or in-person conversation between the sales agent and the person who obtained the initial sales lead (e.g., a call center operator). The interaction may provide additional information to the sales agent. As discussed during the Examiner Interview, neither the campaign description nor a refusal of a lead is an interaction between the sales agent and the person who received the sales lead. Hence, the Office Action fails to establish a *prima facie* case of obviousness since Buckenmayer fails to teach or suggest each and every limitation of claim 1 of the present application.

For at least these reasons, independent claim 1, as well as dependent claims 2-4 and 7-16, are patentable over the applied art. Since independent claim 17 and 20 contain similar limitation as recited in claim 1, these claims are patentable over the applied art as well. Since claim 18 depends on allowable claim 17, claim 18 is patentable as well. Withdrawal of the rejection of claims 1-4, 7, 14, 17-18, and 20 is requested.

#### **Rejection of Claims 8-10 under 35 U.S.C. 103(a)**

Claims 8-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer in view of Leadtrack.com (“Leadtrack”). Since claims 8-10 are dependent on allowable independent claim 1, and since Leadtrack does not cure the deficiencies of Buckenmayer with respect to claim 1, dependent claims 8-10 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 8-10 is requested.

#### **Rejection of Claims 11, 13, 15, & 16 under 35 U.S.C. 103(a)**

Claims 11, 13, 15, and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer in view of U.S. Patent 7,047,206 to Schultze (“Schultze”). Since claims 11, 13, 15, and 16 are dependent on allowable independent claim 1, and since Schultze does not cure the deficiencies of Buckenmayer with respect to claim 1, dependent claims 11, 13, 15, and 16 are allowable as well. Therefore, the undersigned representative will not address the arguments with

respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 11, 13, 15, and 16 is requested.

**Rejection of Claim 12 under 35 U.S.C. 103(a)**

Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer in view of Schultze in view of Official Notice. Since claim 12 is dependent on allowable independent claim 1, and since Schultze and/or the Office Notice do not cure the deficiencies of Buckenmayer with respect to claim 1, dependent claim 12 is allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claim 12 is requested.

**CONCLUSION**

The foregoing is submitted as a full and complete Response to the Non-final Office Action mailed March 11, 2008, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703)714-7448 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

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